

### **REMARKS**

Applicant submits that this Amendment After Final Rejection places this application in condition for allowance by amending claims in manners that are believed to render all pending claims allowable over the cited art and/or at least place this application in better form for appeal. This Amendment is necessary to clarify certain claim limitations, in addition to distinguish over newly cited art, and furthermore was not earlier presented because Applicant believed that the prior response(s) placed this application in condition for allowance, for at least the reasons discussed in those responses. Accordingly, entry of the present Amendment, as an earnest attempt to advance prosecution (in view of the new ground(s) for rejection) and/or to reduce the number of issues, is requested under 37 C.F.R. §1.116.

In the event that the Office declines to enter the present Amendment, and (i) any portion of the present Amendment would place some of the claims in better form for appeal if a separate paper were filed containing only such amendments or (ii) any proposed amendment to any claim would render that claim allowable, Applicant respectfully requests that the Office inform Applicant of the same pursuant to MPEP §714.13.

By this amendment, claims 1-2, 7 and 11-15 have been canceled. Claims 3-4, 6 and 8 have been amended. Claims 3-6 and 8-10 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration, withdrawal of the final action, and allowance of the application, is respectfully requested.

#### **Rejection under 35 U.S.C. §112**

Claims 11-15 stand rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. By this amendment, claims 11-15 have been canceled, thus rendering the rejection thereof now moot.

Claims 1-2, 6-7, 11-12 and 14 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claims 1-2, 7, 11-12 and 14, the same have been canceled herein, thus rendering the rejection thereof now moot. With respect to claim 6, Applicant has amended claim 6, as presented herein, to remove the limitations in "means plus function" language. Accordingly, the rejection of claim 6 is now believed overcome and should be withdrawn.

#### **Rejection under 35 U.S.C. §103**

Claims 1-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dewaele (U.S. Patent No. 5,757,021, hereinafter "**Dewaele**"). With respect to claims 1-2, 7 and 11-15, the same have been canceled herein, thus rendering the rejection thereof now moot. With respect to claim 8, Applicant respectfully traverses this rejection on the grounds that the **Dewaele** reference is defective in establishing a prima facie case of obviousness.

Independent claim 8, as now presented, recites, inter alia, "*comparing (i) an identification number of the X-ray apparatus that transmitted the first data set with (ii) an identification number of a mobile patient data terminal for consistency in order to enable correct association of the received signal with the transmitting X-ray apparatus, and subjecting a date and time of the first data set to a plausibility test, where in an absence of plausibility or in case of errors, first requesting a repeat transmission of the first data set, and further in as far as a newly received first data set is not plausible or contains*

errors that cannot be corrected, *terminating* further evaluation, *otherwise forming* a second data set corresponding to a *completed patient data set* that (1) *combines* (i) parameters of the X-ray exposure *with* (ii) predetermined patient data associated with the parameters of the X-ray exposure *before a new X-ray exposure can be made* and (2) *ensures* that the second data set formed is *unambiguously associated* with the relevant X-ray exposure which is stored in digital form on an image cassette" (emphasis added). Support for the amendments to claim 8 (as well as for claims 3 and 6) can be found in the specification at least on page 5, lines 2-14 and 26-34; page 6, lines 1 and 9-13; and FIG 1. The amendments are supported by the specification and drawings as originally filed, thus no new matter has been introduced.

Applicant submits that neither **Dewaele** nor the Office Action's notation that "Internet packets use of a 32-bit checksum" discloses at least the aforementioned feature of independent claim 8. In particular, it is submitted that the secondary reference to the Office Action's notation that "Internet packets use of a 32-bit checksum" does not remedy the deficiency in the primary citation to **Dewaele**. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of **Dewaele** and the Office Action's notation that "Internet packets use of a 32-bit checksum" is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Office Action concedes that the primary citation to **Dewaele** does not specifically teach a checksum. However, the Examiner contends that Dewaele teaches transmission of data over the Internet, which includes use of a checksum, which is transmitted or stored along with the data in order to detect corruption of the data (Office Action, page 8). In addition, as discussed above, claim 8 has been amended, in view of the new grounds for rejection, to include the aforementioned feature. It is respectfully submitted that **Dewaele** further does not teach the aforementioned feature of

independent claim 8. In view of the deficiencies in the disclosure of **Dewaele** and as will be explained further herein below, the contention that logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention provides necessary disclosure is respectfully traversed.

The Examiner's reference to logic and sound scientific reasoning of one ordinarily skilled in the art at the time of the invention is that Internet packets use a 32-bit checksum (Office Action, page 8). However, reference to Internet packets and use of a 32-bit checksum does not disclose, nor can it reasonably be interpreted to disclose, "*comparing* (i) an identification number of the X-ray apparatus that transmitted the first data set with (ii) an identification number of a mobile patient data terminal for consistency in order to *enable correct association* of the received signal with the transmitting X-ray apparatus, and subjecting a date and time of the first data set to a *plausibility test*, where in an *absence* of plausibility or in case of errors, *first requesting* a repeat transmission of the first data set, and *further* in as far as a newly received first data set is *not plausible* or contains errors that cannot be corrected, *terminating* further evaluation, *otherwise forming* a second data set corresponding to a *completed patient data set* that (1) *combines* (i) parameters of the X-ray exposure *with* (ii) predetermined patient data associated with the parameters of the X-ray exposure *before a new X-ray exposure can be made* and (2) *ensures* that the second data set formed is *unambiguously associated* with the relevant X-ray exposure which is stored in digital form on an image cassette" as is specifically recited in claim 8. Thus, the reference to the Internet packets and use of a 32-bit checksum does not provide a disclosure that remedies the aforementioned, deficiency in the primary citation to **Dewaele**.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claim 8 under 35 U.S.C. §103 are respectfully requested. Claims 9-10 depend from and further limit independent claim 8 and therefore are allowable as well.

Accordingly, the 35 U.S.C. §103(a) rejection thereof has now been overcome.

Claim 3 has been amended in a manner similar to the amendments to claim 8. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 8, claim 3 is believed allowable and an early formal notice thereof is requested. Claims 4-5 depend from and further limit independent claim 3 and therefore are allowable as well. The 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

Claim 6 has been amended in a manner similar to the amendments to claim 8. Accordingly, for similar reasons as stated with respect to overcoming the rejection of claim 8, claim 6 is believed allowable and an early formal notice thereof is requested. The 35 U.S.C. §103(a) rejection thereof has now been overcome. Withdrawal of the rejection is respectfully requested.

### **Conclusion**

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 3, 6 and 8 are in condition for allowance. Claims 4-5 depend from and further limit independent claim 3

and therefore are allowable as well. Claims 9-10 depend from and further limit independent claim 8 and therefore are allowable as well.

The matters identified in the Office Action of June 22, 2010 are now believed resolved. Accordingly, the application is believed to be in proper condition for allowance. The amendments herein are fully supported by the original specification and drawings; therefore, no new matter is introduced. Withdrawal of the final action and issuance of an early formal notice of allowance of claims 3-6 and 8-10 is requested.

Respectfully submitted,

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